



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

CRS
Docket No: 1846-00
22 December 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Awards Branch, Headquarters Marine Corps, dated 31 October 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1650

MMMA-3

31 OCT 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Subj: REQUEST FOR ADVISORY OPINION(S) IN THE CASE OF [REDACTED]
[REDACTED] FORMER MARINE

1. We have previously responded to [REDACTED] regarding his entitlement to a Purple Heart award on September 3, 1999. We have again reviewed his records and the records at this Headquarters, and there still is not evidence that he received any type of injury, which would qualify for a Purple Heart award.
2. The Marine Corps, as part of the Department of the Navy, applies the criteria prescribed by the Secretary of the Navy in awarding the Purple Heart Medal. This criteria required that the Marine's death or injury be the direct or indirect result of enemy action to include terrorists. This standard has been in effect for many years and the guidelines for this decoration are well established.
3. In order to maintain the prestige and integrity of awards, including the Purple Heart, it was necessary to establish criteria upon which decisions concerning eligibility could be established. These regulations have long since required a written record of the wound, showing date, and nature of the wound or injury, and medical treatment received or eyewitness statements verifying the wound or injury. The eyewitness statements can be from medical personnel who treated him or two other personnel who were present at the time he was injured. Statements should contain the time, place, medical attention received, and verification that the injury was the direct result of enemy action. If he can provide the above statements, further consideration will be given to your request.
4. While we do not intend to challenge the veracity of his statement concerning the injury, it is absolutely necessary that some documentation be provided to verify his entitlement.

5. I realize that it will be difficult to obtain eyewitness statements due to the length of time that has elapsed. This Headquarters is keenly aware of the fact that there are undoubtedly many cases of Marines who sustained injuries, which might qualify them for the Purple Heart. In those cases, which cannot be so verified, the eyewitness statements are required.

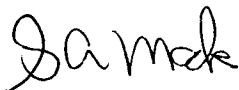
6. This Headquarters does not maintain a listing of former Marines and their addresses. However, he may obtain a listing of the officers and enlisted Marines who were assigned to his former unit by requesting copies of the unit rosters for the period in question from the following address:

Director
History and Museum Division
901 M Street, SE.
Washington Navy Yard, Building 58
Washington, DC 20374-0580

7. Should he be able to obtain the names of former Marines that were eyewitness to his injury, he may request assistance in locating them from the below listed organizations:

Mail Call Editor
Leatherneck Magazine
P.O. Box 1977
Quantico, VA 22134
Telephone: 1-800-336-0291
E-Mail: leatherneck@mca-marines.org

8. A point of contact at MMMA is Mr. S.A. Mackey @ 784-9206.



S.A. MACKEY
Head, Military Awards Branch
Personnel Management Division
by direction of the
Commandant of the Marine Corps